

U.S. Serial No. 10/817,096
Attorney Docket No. 20045/OPP040601US

REMARKS

In the Office action dated September 16, 2005, claims 6-12 and 24-40 were allowed, claim 23 was objected to as dependent upon a rejected base claim, and claims 13-22 were rejected as unpatentable over Stetter et al. (US Pub. No. 2002/0155676) in combination with Toyoda (US Pub. No. 2003/0002238) and Ohtani et al. (US 6,088,070). In light of the following remarks, the rejections are respectfully traversed and reconsideration of this application is respectfully requested.

Independent claim 13 recites, *inter alia*, a method for fabricating a semiconductor device comprising forming a second trench in an interlayer insulating film adjacent to the first electrode to expose a side of the first electrode.

Stetter is directed to a zero mask MIMCAP process for a low K BEOL. In particular, Stetter discloses, "Hole 24 is simultaneously formed when capacitor bottom plate trench 22 is formed, in accordance with the present invention. A conductive layer 26 is deposited over dielectric layer 20, via hole 24, and capacitor bottom plate trench 22, as shown in FIG. 3." ([0024]-[0025]) Stetter does not disclose or suggest that a second trench in an interlayer insulating film exposes a side of the first electrode. Even if the conductive layer 26 is a first electrode and the capacitor bottom plate the trench 22 is a second trench, which the applicant does not concede, the formation of the trench 22 does not expose a side of the first electrode. To the contrary, the conductive layer 26 is formed on top of the trench. While the trench 22 may expose liner 18 and STI region 14, neither of these elements is a first electrode.

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Further, it is not possible for the trench 22 to be formed adjacent to the conductive layer 26 first electrode and to expose a side of the conductive layer 26 because the conductive layer 26 is necessarily formed after the trench 22 is formed. As previously stated, Stetter teaches that the hole 24 and the trench 22 are formed simultaneously. Stetter also teaches that the conductive layer 26 is deposited over hole 24 and the trench 22. Thus, Stetter teaches away from the use of the trench 22 to expose a side of conductive layer 26. Accordingly, no combination of Stetter and one or more of Toyoda and Ohtani can render claim 13 obvious. Therefore, claim 13 and claims 14 to 23 depending therefrom are patentable over the cited references.

If the examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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